

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CHRISTOPHER CLINTON,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent,

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No. 4:15CV1653 RWS

MEMORANDUM AND ORDER

Before the Court is Christopher Clinton's pro se motion for "habeas bail." Movant's motion will be denied as bail is not available to movant under the circumstances in his case.

Movant filed his initial motion to vacate, brought pursuant to 28 U.S.C. § 2255, on November 2, 2015, requesting relief under the Supreme Court case of *Johnson v. United States*, 135 S.Ct. 2551 (2015), and the Court requested assistance from the Federal Public Defender on this matter on November 4, 2015. Assistant Federal Public Defender Kevin Curran sought an extension of time until January 28, 2016, in order to determine whether movant qualified for relief under *Johnson*, 135 S.Ct. 2551 (2015), but the Court has not heard from the Public Defender's Office since that time. The Court requests timely assistance with this matter now that the Supreme Court has made *Johnson* retroactive to those cases affected by *Johnson's* ruling.

Accordingly,

IT IS HEREBY ORDERED that movant's pro se motion for "habeas bail" [Doc. #8] is **DENIED**.

IT IS FURTHER ORDERED that if the Public Defender's Office decides movant has a potential argument under *Johnson*, the Public Defender, no later than forty-five (45) days of the

date of this Memorandum and Order, should file an amended motion to vacate under § 2255 in this case.

Dated this 5th day of May, 2016.

A handwritten signature in black ink, appearing to read "Rodney W. Sippe", written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE